

CITY OF ST. CHARLES

---

ORDINANCE NO. 1994-M-26

AN ORDINANCE AMENDING CHAPTER 2.36,  
"EMERGENCY SERVICES AND DISASTER AGENCY",  
OF THE ST. CHARLES MUNICIPAL CODE

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ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF ST. CHARLES  
THIS 2ND DAY OF MAY, 1994

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PUBLISHED IN PAMPHLET FORM BY  
AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES,  
ILLINOIS, THIS 6TH DAY OF  
MAY, 1994

  
CITY CLERK

(S E A L)

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**AN ORDINANCE AMENDING CHAPTER 2.36,  
"EMERGENCY SERVICES AND DISASTER AGENCY",  
OF THE ST. CHARLES MUNICIPAL CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

1. That Chapter 2.36, entitled "Emergency Services and Disaster Agency", of the City of St. Charles Municipal Code is hereby deleted, and the following substituted therefor:

**CHAPTER 2.36**

**EMERGENCY SERVICES AND DISASTER AGENCY**

## EMERGENCY SERVICES AND DISASTER AGENCY

### 2.36.010 Policy and Procedures

(a) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this city will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this city and protect the public peace, health, and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) to create a municipal emergency services and disaster agency.
- (2) to confer upon the mayor the extraordinary power and authority set forth under §11-1-6 of the Illinois Municipal Code (65 ILL. Comp. Stat. 5/11-1-6).
- (3) to provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.

(b) Whenever the mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the mayor of when the state of emergency exists and shall provide that the mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the clerk of the city as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(c) It is further declared to be the purpose of this Chapter and the policy of the city that all emergency management programs of this city be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

### 2.36.020 Limitations

Nothing in this Chapter shall be construed to:

- (a) interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (b) interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transit or print public service messages furnishing information or instructions in connection with a disaster;
- (c) affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
- (d) limit, modify, or abridge the authority of the mayor and the municipal council to exercise any other powers vested in them under the constitution, statutes, or common law of this state, independent of or in conjunction with any provisions of this Chapter.

### 2.36.030 Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

- (a) Coordinator means the staff assistant to the mayor with the duty of carrying out the requirements of this Chapter.
- (b) Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other environmental contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.
- (c) Emergency Management means the efforts of this city to develop, plan, analyze, conduct, implement, and maintain programs for disaster mitigation.
- (d) Emergency Operations Plan means the written plan of the city describing the organization, mission, and functions of the government and supporting services for responding to and recovery from disaster.

(e) Emergency services means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair, or alleviate injury or damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions include, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical, and other special weapons defense, evacuation or person from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(f) Political subdivision means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000.

#### 2.36.040 St. Charles Emergency Services and Disaster Agency

(a) There is hereby created an emergency services and disaster agency and a coordinator of the emergency services and disaster agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the mayor with the advice and consent of the council. He shall serve at the pleasure of the mayor.

(b) The St. Charles Emergency Services and Disaster Agency shall obtain, with council approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Chapter.

(c) The coordinator, subject to the direction and control of the mayor, shall be the executive head of the St. Charles Emergency Services and Disaster Agency, and shall be responsible under the direction of the mayor for carrying out the program for emergency services and disaster operations of this city. He shall coordinate the activities of all organizations for emergency services and disaster operations within this city and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organizations of Kane County, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve of the coordinator, the mayor or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this Chapter.

(d) The St. Charles Emergency Services and Disaster Agency shall take an integral part in the development and revision of the local emergency operations plan.

(e) In the development of the emergency operations plan, the St. Charles Emergency Services and Disaster Agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(f) The St. Charles Emergency Services and Disaster Agency is authorized to:

- (1) Determine the requirements of the city of St. Charles for food, clothing, and other necessities in the event of an emergency;
- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Bi-annually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response, and recovery.
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the mayor, Chapters, proclamations, and regulations as necessary or appropriate in coping with disasters;
- (7) Cooperate with the federal, state, and county government and any public or private agency or entity in achieving any purpose of this Chapter and in implementing programs for disaster prevention, preparation, response, and recovery.
- (8) Initiate and coordinate planning for the establishment of an emergency operating center;
- (9) Do all other things necessary, incidental, or appropriate for the implementation of this Chapter.

#### 2.36.050 Emergency Services and Disaster Powers of the Mayor

(a) The mayor shall have the general direction and control of the emergency services and disaster agency and shall be responsible for the carrying out of the provisions of this Chapter.

(b) In performing his duties under this Chapter, the mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this Chapter.

(c) In performing his duties under this Chapter, the mayor is further authorized:

- (1) to make, amend, and rescind all lawful necessary orders, rules, and regulations of the local disaster plan to carry out the provisions of this Chapter within the limits of the authority conferred upon him.
- (2) to cause to be prepared a comprehensive plan and program for the emergency management of this city which plan and program may be integrated into and coordinated with disaster plans of the state and federal governments and of other political subdivisions, and which plan and program may include:
  - a. prevention and minimization of injury and damage caused by disaster;
  - b. prompt and effective response to disaster;
  - c. emergency relief;
  - d. identification of areas particularly vulnerable to disasters;
  - e. recommendations for zoning, building, and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
  - f. assistance to local officials in designing local emergency action plans;
  - g. authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration or other disaster;
  - h. organization or municipal manpower and chains of command;
  - i. coordination of local emergency management activities.
  - j. other necessary matters.
- (3) in accordance with such plan and program for the emergency management of this city, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials, and equipment, to institute training programs and public information

programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.

- (4) out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources, and facilities in this municipality as may be necessary to ascertain the capabilities of the city for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.

(d) The mayor is authorized to designate space in a municipal building or elsewhere for the emergency services and disaster agency as its office.

#### 2.36.060 Financing

(a) It is the intent of the municipal council and declared to be the policy of the city that every effort shall be made to provide funds for disaster emergencies.

(b) It is the municipal council's intent that the first recourse shall be to funds regularly appropriated to the agency. If the mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the governor has proclaimed a disaster affecting the city, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the municipal council for the purpose of enacting Chapters as the council may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States government or other public or private sources. If less than a quorum of the members of the council is capable of convening in session to enact such Chapters for the transfer, expenditure, or loan of such monies, the mayor is authorized to carry out those decisions until such time as a quorum of the council can convene.

(c) Nothing contained in this section shall be construed to limit the mayor's authority to apply for, administer, and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response, or recover.

#### 2.36.070 Local Disaster Emergencies

(a) A local disaster emergency may be declared only by the mayor or municipal council. If declared by the mayor, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the municipal council. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.



(b) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(c) During a local disaster emergency, the mayor may suspend the provisions of any municipal Chapter prescribing procedures for the conduct of municipal business, or the orders, rules, and regulations of any municipal agency, if strict compliance with the provisions of any Chapter, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act", provided that, if the municipal council meets at such time, the Mayor shall act subject to the directions and restrictions imposed by that body.

#### 2.36.080 Testing of Disaster Warning Devices

The testing of disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning.

#### 2.36.090 Mutual Aid Arrangements Between Political Subdivisions

The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations, or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations, or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such a disaster as described in 2.36.030, it shall be the duty of each local department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

#### 2.36.100 Communications

The St. Charles Emergency Services and Disaster Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the mayor as appropriate.

#### 2.36.110 Immunity

Neither the city, the agency, or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Chapter or any rule or regulations promulgated pursuant to this Chapter is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act, under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any law, and this section does not affect the right of any such person to receive any benefits or compensation under any act of Congress.

#### 2.36.120 Profession, Trades, and Occupations

If such disaster as is described in this Chapter occurs in this city and the services of person who are competent to practice any profession, trade, or occupation are required in this city to cope with the disaster situation, and it appears that the number of persons licensed or registered in this city to practice such profession, trade, or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade, or occupation may, if a member of another political subdivision rendering aid in this city pursuant to the order of the head of that political subdivision and upon the request of the city, or if otherwise requested so to do by the mayor or the coordinator of this city, during the time the disaster condition continues, practice such profession, trade, or occupation in this city without being licensed or registered in this city.

#### 2.36.130 Appropriations and Levy of Tax for Emergency Services and Disaster Operations.

The municipal council may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The council may also levy for emergency services and disaster operations a tax not to exceed .05 percent of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the city for the current year. However, the amount collectible under such a levy shall in no event exceed twenty-five cents (\$0.25) per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

#### 2.36.140 Authority to Accept Services, Gifts, Grants, or Loans

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the city services, equipment, supplies, materials, or funds by way of gift or grant for purposes of emergency management, the city, acting through the mayor or through its council, may accept such offer and upon such acceptance the mayor or the council may authorize any officer of the city to receive such services, equipment, supplies, materials, or funds on behalf of the city.

### 2.36.150 Orders, Rules, and Regulations

(a) The mayor shall file a copy of every rule, regulation, or order and any amendment thereof made by him pursuant to the provisions of this Chapter in the office of the municipal clerk. No such rule, regulation, or order, or any amendment thereof, shall be effective until ten (10) days after such filing; provided, however, that upon the declaration of such a disaster emergency by the mayor as is described in Section 7, the provision relating to the effective date of any rule, regulation, order, or amendment issued pursuant to this Chapter and during the state of such disaster emergency, is abrogated, and said rule, regulation, order, or amendment shall become effective immediately upon being filed with the municipal clerk, accompanied by a certificate stating the reason for the emergency.

(b) The St. Charles Emergency Services and Disaster Agency established pursuant to this Chapter, and the coordinator thereof, shall execute and enforce such orders, rules, and regulations as may be made by the governor under authority of the Illinois Emergency Management Agency Act. The St. Charles Emergency Services and Disaster Agency shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under this authority. The state Emergency Management Agency shall furnish such orders, rules, and regulations to the agency.

### 2.36.160 Utilization of Existing Agency, Facilities, and Personnel

In carrying out the provisions of the Chapter, the mayor and the coordinator of the emergency services and disaster agency are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the city to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency services and disaster agency.

### 2.36.170 Severability

If any provision of this Chapter or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are hereby declared to be severable.

### 2.36.180 No private Liability

(a) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster

response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for negligently causing loss or, or damage to, the property of such person.

(b) Any private person, firm, or corporation and employees and agents of such person, firm, or corporation in the performance of a contract with, and under the direction of, the city under the provisions of this Chapter, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(c) Any private person, firm, or corporation, and any employee or agency of such person, firm, or corporation, who renders assistance or advice at the request of the city, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in subsection (c) shall not apply to any private person, firm, or corporation, or to any employee or agent of such person, firm, or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

#### 2.36.190 Succession

In the event of the death, absence from St. Charles, or other disability of the mayor preventing him from acting under this Chapter or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the Mayor Pro-Tem shall succeed to the duties and responsibilities of the mayor.

#### 2.36.200 Compensation

The municipal council, by its annual appropriations Chapter, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the Chapter. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the state of Illinois Emergency Management Agency under any provisions of that agency.

#### 2.36.210 Emergency Services and Disaster Agency Personnel Oath

Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in a department of the St. Charles Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the St. Charles Emergency Service and Disaster Agency or before a person authorized to administer oaths in this city, which oath shall be filed with the coordinator of the St. Charles Emergency Services and Disaster Agency, and which oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the state of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organizations that advocates the overthrow of the government of the United States or of the state by force or violence; and that during such time I am affiliated with the St. Charles Emergency Services and Disaster Agency, I will not advocate nor become a member of any political party or organization that advocate the overthrow of the government of the United States or of this state by force or violence."

#### 2.36.220 Emergency Termination or Reduction of Electrical Service

(1) Declaration of emergency condition. When in the judgment of the mayor or council, as provided herein in Section 7(a), a local disaster emergency requires the termination or reduction of electrical service, the mayor or council shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

#### 2.36.230 Penalty

Any person convicted of violating this Chapter or any order thereunder shall be punished by a fine of not exceeding \$500.00

That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 2nd day of May, 1994.

PASSED by the City Council of the City of St. Charles, Illinois, this 2nd day of May, 1994.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 2nd day of May, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk


COUNCIL VOTE:

Ayes: 14

Nays: 0

Absent: 0

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

DATE: 5/2/94

STATE OF ILLINOIS )  
 ) SS.  
COUNTIES OF KANE AND DUPAGE )

# C E R T I F I C A T E

I, JEAN M. CONNORS, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 2, 1994, the Corporate Authorities of such municipality passed and approved Ordinance No. 1994-M-26, entitled

"AN ORDINANCE AMENDING CHAPTER 2.36, 'EMERGENCY SERVICES AND DISASTER AGENCY', OF THE ST. CHARLES MUNICIPAL CODE",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1994-M-26, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 6, 1994, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 4<sup>th</sup> day of May, 1994.

Jean M. Connor  
Municipal Clerk

(S E A L)